



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 1477-98

19 June 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Psych ltr, 27 Feb 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was discharged by reason of physical disability, vice a personality disorder.

2. The Board, consisting of Mses. Humberd and Newman and Dr. Schultz, reviewed Petitioner's allegations of error and injustice on 25 May 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner served on active duty in the Navy from 19 October 1987 to 31 July 1997, when she was discharged by reason of a personality disorder, with entitlement to one-half separation pay. The Department of Veterans Affairs (VA) determined that she suffered from a depressive disorder, and awarded her a 0% rating for that condition effective 1 August 1997. The rating was subsequently increased to 30%.

d. In correspondence attached as enclosure (2), designees of the Specialty Leader for Psychiatry expressed the opinion that at the time of Petitioner's discharge from the Navy, she suffered from a depressive disorder in addition to the personality disorder which formed the basis for her discharge. They recommended that the diagnosis of depressive disorder, not otherwise specified, be added to Petitioner's record.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds that Petitioner suffered from a depressive disorder at the time of her discharge. It concludes, after resolving doubt in her favor, that she was unfit for duty because of the depressive disorder, rather than unsuitable because of a personality disorder, and should have been discharged by reason of physical disability with entitlement to disability severance pay.

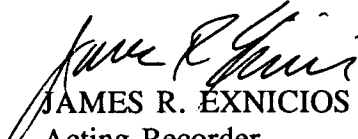
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was discharged from the Navy on 31 July 1997 by reason of physical disability, pursuant to 10 U.S. Code 1203, with entitlement to disability severance pay, with a 10% rating under VA code 9435 for depressive disorder not otherwise specified.


b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director